

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

United States of America,

— v. —

Brian Swiencinski, *et al.*,

Defendants.

No. 4:18-cr-00368

AMENDED NOTICE OF APPEAL OF DEFENDANT BRIAN SWIENCINSKI

Defendant Brian Swiencinski hereby files an amended notice of appeal to the United States Court of Appeals for the Fifth Circuit from: (i) the district court's Order, which was entered on the docket on April 4, 2023, denying Mr. Swiencinski's motion to dismiss the superseding indictment on the ground that a retrial would violate his rights under the Double Jeopardy Clause of the Constitution of the United States; and (ii) the district court's Order, which was entered on the docket on June 27, 2023, denying Mr. Swiencinski's motion for reconsideration, Dkt. No. 513. The jurisdiction of the court of appeals is invoked under 28 U.S.C. § 1291 and *Abney v. United States*, 431 U.S. 651 (1977).*

Dated: July 7, 2023

Respectfully submitted,

Michael A. Villa, Jr.
Texas Bar No. 24051475
MEADOWS, COLLIER, REED,
COUSINS, CROUCH & UNGERMAN, LLP
901 Main Street, Suite 370
Dallas, TX 75202
(214) 744-2700
mvilla@meadowscollier.com

/s/ Mary C. Fleming
Brandon McCarthy (admitted *pro hac vice*)
Texas Bar No. 24027486
Rachel M. Riley
Texas Bar No. 24093044
KATTEN MUCHIN ROSENMAN LLP
2121 N. Pearl Street, Suite 1100
Dallas, TX 75201
(214) 765-3600
brandon.mccarthy@katten.com
rachel.riley@katten.com

* This amended notice of appeal relates to an appeal pending in the Fifth Circuit docketed as No. 23-20163, which was stayed pending resolution of Mr. Swiencinski's motion for reconsideration.

Scottie D. Allen (admitted *pro hac vice*)
THE ALLEN LAW FIRM
4144 N. Central Expressway, Suite 650
Dallas, TX 75204
(214) 824-7711
scottiedallen@scottiedallenlaw.com

Mary C. Fleming (admitted *pro hac vice*)
KATTEN MUCHIN ROSENMAN LLP
1919 Pennsylvania Ave NW, Suite 800
Washington, DC 20006
(202) 625-3754
mary.fleming@katten.com

Attorneys for Brian Swiencinski

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed the foregoing Amended Notice of Appeal of Defendant Brian Swiencinski, and a true and correct copy of the foregoing was served on all parties and counsel of record via the court's ECF system on this 7th day of July, 2023.

/s/ Mary C. Fleming
Mary C. Fleming